



54-289

CONFIDENTIAL
Docket H-049
Mallinckrodt Chemical, Inc.
16305 Swingley Ridge Drive
Chesterfield, Missouri 63017-1777
Telephone (314) 530-2000

April 12, 1995

Docket Office, Docket H-049
U.S. Department of Labor
Occupational Safety & Health Administration
Room N2625
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Mallinckrodt Chemical, Inc.
16305 Swingley Ridge Drive
Chesterfield, Missouri 63017-1777
Telephone (314) 530-2000

RE: Respiratory Protection - OSHA's Proposed Rule (FR 11/15/94)

Mallinckrodt Chemical, Inc. (Mallinckrodt) operates 11 plants in the United States. Mallinckrodt's headquarters is located in Chesterfield, MO. Mallinckrodt produces high-quality specialty and fine chemicals, including analgesics and catalysts and is one of the world's largest producers of acetaminophen, the active ingredient in a wide range of non-aspirin pain relievers.

Additionally, Mallinckrodt is owned by Mallinckrodt Group, Inc., a Fortune 250 company with fiscal 1994 net sales of more than \$1.9 billion.

Mallinckrodt appreciates the opportunity to submit comments in response to the Department of Labor/OSHA's proposed rule on respiratory protection which was published in the Federal Register on November 15, 1994. Mallinckrodt has the following comments:

1. 29 CFR 1910.134(a)(2) - Scope and application

The scope of the standard should include voluntary respirator use. We suggest that this section be amended as follows: "Respirators shall be provided . . . necessary to protect the health of the employee and upon employee request."

2. 29 CFR 1910.134(b) - Definitions

We suggest that OSHA adopt commonly accepted definitions from current consensus guidelines such as ANSI Z88.2-1992. This will provide consistency and avoid confusion.

3. 29 CFR 1910.134(d)(2) - Selection

We believe it is unnecessary to have a selection of respirators from at least two different manufacturers. Most of Mallinckrodt's facilities standardize by using respirators from only one manufacturer whenever possible.

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3. 29 CFR 1910.134(d)(2) - Selection - Continued

Training is less burdensome and there is less opportunity for inadvertent use of one manufacturer's cartridges/filters on another manufacturer's respirator. Also, one of our vendors provides free fit testing and training on an annual basis. Use of respirators from two different manufacturers would be economically burdensome to our training, warehousing and purchasing personnel.

4. 29 CFR 1910.134(d)(5) - Selection: APFs

The APFs (Assigned Protection Factors) from the NIOSH Respirator Decision Logic are out-of-date and very complex. There are 21 entries on three tables with many footnotes. We suggest using the APFs from ANSI Z88.2-1992. Furthermore, OSHA should incorporate the use of standard APFs into the respirator sections of all substance-specific standards.

5. 29 CFR 1910.134(d)(9)(ii) - Selection: Filter Change Schedule

Our employees have exposure to thousands of chemicals, including mixtures and we are concerned that there is little available data for pure substances which can be used to determine when 80% of the useful service life of a cartridge has expired.

6. 29 CFR 1910.134(d)(9)(ii) - Selection: Filter Change Schedule

The changeout criteria for filters should be whenever breathing resistance increases, not some predetermined theoretical schedule.

7. 29 CFR 1910.134(e) - Medical Evaluation

We suggest that all employees who wear a respirator be medically evaluated and that you delete the 5 hour/week threshold level.

8. 29 CFR 1910.134(f)(2) - Frequency of Fit Testing

Mallinckrodt suggests initial and annual fit testing for routine respirator users and fit testing prior to respirator use for non-routine users such as Research & Development chemists. It is unnecessary to fit test an employee annually if the employee uses a respirator infrequently, such as once in 1993, twice in 1995, once in 1999, etc.

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9. 29 CFR 1910.134(h)(1)(i) - Maintenance: Cleaning

We suggest that routinely used respirators issued for the exclusive use of one employee be cleaned and disinfected **as necessary**, not after each day's use. A respirator worn only 5 minutes/day may not need to be cleaned and disinfected at the end of the day.

10. 29 CFR 1910.134(j)(1) - Identification of Filters, Cartridges and Canisters

We believe that it is the manufacturer's responsibility to ensure that filters, cartridges and canisters are properly labeled and color-coded.

11. 29 CFR 1910.134 - Appendix A.II.C.4.(h) - Fit Testing Procedures

Mallinckrodt sees no value in requiring three successful quantitative fit tests. The requirement for three successful quantitative fit tests is economically burdensome and will cost Mallinckrodt an additional \$24,000 at one of our sites as follows:

Time away from work for the employee (1 hour) - \$23
Time for the fit tester (1.25 hours) - \$25
Number of employees: 250

250 X \$48 X 2 additional tests - \$24,000

12. In May, 1994, NIOSH published a proposed rule to revise respirator certification requirements. In the proposal, three filter classifications were proposed. The rule is expected to be finalized shortly. The NIOSH certification requirements should be incorporated into OSHA's respiratory protection rule.

13. The respiratory protection requirements from **all** of the substance-specific standards should be revised in accordance with the requirements of this respiratory protection rule. It is unnecessary to require semiannual fit testing in some substance-specific standards (i.e., formaldehyde, asbestos) and annual fit testing (i.e., benzene) in others. We are not aware of any data indicating the usefulness of semiannual fit testing.

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13. It is unnecessary to include cartridge changeout criteria in the formaldehyde standard (i.e., after 3 hours or at the end of the workshift, whichever is sooner) when this standard already addresses the issue.

It is imperative that OSHA use standard criteria for respiratory protection in all substance-specific health standards.

Mallinckrodt is committed to the protection of our people. Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Chris Merli".

Christine Merli, CIH, CSP
Manager, Safety & Health

resp.osha